

Serial No. 10/516,326
Response D dated July 24, 2009
Response to Office Action dated May 8, 2009

Remarks/Arguments

Claims 1-6, 8-11, and 13-15 are pending and at issue in the present application.

Applicant traverses the rejection of claims 1-6, 8-11, and 13-15 as obvious over Privas U.S. 5,417,258 in view of Ganzeboom U.S. 5,938,076.

All of the claims at issue recite, inter alia, a dispenser having solenoid valve means substantially enclosed in a substantially metallic locking cover means.

The cited prior art fails to disclose or suggest a solenoid valve means substantially enclosed in a substantially metallic locking cover means wherein the cover means is arranged to intensify a magnetic field, as recited by the claims at issue.

While Privas discloses a cover for a solenoid actuated spray valve, Privas fails to disclose or suggest such a cover that is capable of intensifying a magnetic field. In this regard, applicant agrees with the examiner that "Privas is silent about the material use [sic] to make the valve cover." Also, while Ganzeboom discloses a structure to intensify a magnetic field, this structure is in the form of a ring disposed above a solenoid coil. The ring does not act as a "cover means" that substantially encloses a structure and Ganzeboom does not disclose or suggest that the ring disclosed therein could be modified in such a fashion. Further, Ganzeboom does not disclose any material preference for the components that surround the solenoid coil, for example, the coil housing 16, the valve housing 15, or the valve cover 28, and there is no disclosure or suggestion of making the above-noted components from metal. In fact, the ring of Ganzeboom occupies only a very limited path of the magnetic field of the solenoid coil, and hence the ring can only contribute a relatively short high permeability path in the solenoid magnetic circuit. On the other hand, the "locking cover means" that substantially encloses the "solenoid valve means" as recited by the claims of the present application, inherently provides a relatively long high permeability path that "facilitates opening and closing of the valve means." This magnetic function and advantage are not disclosed or suggested by either of the cited references.

The assertion of the examiner that it would have been obvious to modify the device of Privas to include a magnetic cover to intensify a magnetic field is unsupported by reasoning in support thereof. In fact, one of ordinary skill in the art would not have been motivated to combine Privas with Ganzeboom in this fashion, because to do so would have resulted in a device utilizing a metal ring in the magnetic circuit of Privas, wherein the ring would be disposed adjacent (i.e., above or below)

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and/or concentric with an enlarged upper collar of a soft iron core 12 disclosed in FIG. 28 of Privas. This addition would not be expected to significantly affect the magnetic properties of the magnetic circuit of Privas due to the relative cross-sectional sizes of the magnetic circuit components of Privas and the ring disclosed in Ganzeboom. Little to no advantage would be gained by such a combination.

Still further, one of ordinary skill in the art would not have been motivated to form the ring of Ganzeboom into a cover, because Ganzeboom is simply using the metal ring therein in a conventional fashion to reduce the size of an air gap in the magnetic circuit of Ganzeboom, and thereby "intensify the magnetic field." Once this function is achieved, the solenoid of Ganzeboom is capable of performing its intended function to permit dispensing of product from an aerosol can, and a prudent designer would avoid increasing the size and/or weight of the materials used in the magnetic circuit of Ganzeboom so that the overall attachment 5 could be kept small and lightweight. Thus, Ganzeboom discloses that a metal element used in a solenoid magnetic circuit should be limited to a small fraction of the size of an air gap, which teaches away from the claimed "locking cover means" that substantially encloses a solenoid valve means of the present invention, as recited by the claims at issue.

To support a *prima facie* case of obviousness based on a combination of prior art elements, an examiner must establish "a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* 72 Fed. Reg. 57,526 (Oct. 10, 2007). As noted above, no combination of Privas and Ganzeboom discloses or suggests each and every element specified by the claims at issue. Therefore, the claims at issue are not obvious over Privas in view of Ganzeboom.

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims at issue and allowance thereof are respectfully requested.

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Deposit Account Authorization

The Commissioner is hereby authorized to charge any deficiency in any amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17, except issue fees, to Deposit Account No. 50-1903.

Respectfully submitted,

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